

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
(MARTINSBURG DIVISION)**

**DOUGLAS N. GAER**

**Plaintiff,**

**v.**

**AMERICAN PUBLIC EDUCATION,  
INC., *ET AL.*,**

**Defendants.**

**CIVIL ACTION NO. 3:10cv81**

**STIPULATION FOR EXTENSION OF TIME TO  
ANSWER, MOVE, OR OTHERWISE RESPOND**

Pursuant to Federal Rule of Civil Procedure 6(b) and the Local Rules of this Court, the parties in this action, by their undersigned counsel, hereby stipulate and agree as follows:

1. This action is a putative class action lawsuit for violations of the federal securities law, subject to the provisions of the Private Securities Litigation Reform Act of 1995 ("PSLRA"), 15 U.S.C. § 78u-4, *et. seq.* Under the PSLRA, the Court must appoint a lead plaintiff and approve the selection of lead counsel for the putative class. 15 U.S.C. § 78u-4 (a)(3)(B).

2. This action was filed on August 12, 2010, and notice was published advising shareholders and the public that, consistent with the PSLRA, the deadline for motions for the appointment of lead plaintiff and lead counsel is October 12, 2010. The parties agree that Defendants' responses to the pending Complaint are appropriately deferred until after the appointment of a lead plaintiff and the approval of the selection of lead counsel.

3. Within 15 days following the Court's appointment of a lead plaintiff and approval of the selection of lead counsel, the parties shall submit a mutually agreeable schedule for the filing of a consolidated amended complaint (or designation of an operative complaint), the filing

of Defendants' answer or pre-answer motion(s), as well as for the briefing and hearing of responses thereto.

4. Any and all pending Orders regarding Initial Disclosures, Joint Status Report, Early Settlement, Discovery, or other matters pursuant to Federal Rule of Civil Procedure 26 shall be stayed, pending appointment of a lead plaintiff.

/s/Kim Miller (with permission)

Kim Miller  
Kahn Swick & Foti, LLC  
500 Fifth Avenue, Suite 1810  
New York NY 10110  
212-696-3730 (phone)  
504-455-1498 (fax)  
*Counsel for Plaintiff*

Lewis Kahn  
Kahn Swick & Foti, LLC  
206 Covington Street  
Madisonville, LA 70447  
504-455-1400  
504-455-1498  
*Counsel for Plaintiff*

Carl N. Frankovitch (W.V. Bar #4746)  
Frankovitch, Anetakis, Colantonio  
& Simon  
337 Penco Road  
Weirton, WV 26062  
(304) 723-4400 (phone)  
(304) 723-5892 (fax)  
*Counsel for Plaintiff*

/s/Eric J. Hulett

Eric J. Hulett (W.V. Bar #6332)  
Steptoe & Johnson PLLC  
1250 Edwin Miller Blvd., Suite 300  
Martinsburg, WV 25404  
(304) 262-3519 (phone)  
(304) 262-3541 (fax)  
eric.hulett@steptoe-johnson.com  
*Counsel for Defendants*

Mark D. Gately (Bar No. 0134)  
Steven F. Barley (Bar No. 10049)  
Scott R. Haiber (Bar No. 25947)  
Hogan Lovells US L.L.P.  
100 International Dr., Suite 2000  
Baltimore, MD 21202  
(410) 659-2700 (phone)  
410-659-2701 (fax)  
mark.gately@hoganlovells.com  
*Counsel for Defendants*  
*(Admission Pro Hac Vice Pending)*

So Ordered:

\_\_\_\_\_  
United States District Court Judge

\_\_\_\_\_  
Date